

STEPHEN D. HANS & ASSOCIATES, P.C.
30-30 Northern Boulevard, Suite 401
Long Island City, New York 11101
Tel: 718.275.6700
Fax: 718.275.6704
Attorneys for the Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JARMIRIAN BATISA RODRIGUEZ, SAILYN PENA
JORDANNIS COSME BARISTA, OLGA JAIME,
ORLANDO RODRIGUEZ and RAMON LUIS SOTO,
individually and on behalf of others similarly situated,

Plaintiff,

-against-

Case No.: 21-cv-03110(BMC)

ANSWER

ELECTRONIC DEALS, INC., S & V TRADING OF
NY, LTD., VOVOYA, INC. and GUY JESSES a/k/a
JOEY G. ESSES a/k/a GUY ASSIS,

Defendants.
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The defendants **ELECTRONIC DEALS, INC., S & V TRADING OF NY, LTD., VOVOYA, INC. and GUY JESSES a/k/a JOEY G. ESSES a/k/a GUY ASSIS**, (hereinafter referred to, collectively, as the “Defendants”), by and through their attorneys, **STEPHEN D. HANS AND ASSOCIATES, P.C.**, as and for their Answer to the complaint dated and filed on June 2, 2021 (hereinafter the “Complaint”) by the plaintiff **JARMIRIAN BATISA RODRIGUEZ, SAILYN PENA, JORDANNIS COSME BARISTA, OLGA JAIME, ORLANDO RODRIGUEZ and RAMON LUIS SOTO** (hereinafter referred to as the “Plaintiff”), respond as follows:

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING "JURISDICTION AND VENUE"**

1. With respect to the allegations contained in Paragraph 1 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

- a. With respect to the allegations contained in Paragraph 1a of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
- b. With respect to the allegations contained in Paragraph 1b of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
- c. With respect to the allegations contained in Paragraph 1c of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and the Defendants state that such allegations consist of statements and/or conclusions of

law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

- d. With respect to the allegations contained in Paragraph 1d of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
 - e. With respect to the allegations contained in Paragraph 1e of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
 - f. With respect to the allegations contained in Paragraph 1f of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph and the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
- 2. With respect to the allegations contained in Paragraph 2 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
 - 3. With respect to the allegations contained in Paragraph 3 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

4. With respect to the allegations contained in Paragraph 4 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
5. With respect to the allegations contained in Paragraph 5 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
6. With respect to the allegations contained in Paragraph 6 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING "JURISDICTION AND VENUE"**

7. With respect to the allegations contained in Paragraph 7 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
8. With respect to the allegations contained in Paragraph 8 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
9. With respect to the allegations contained in Paragraph 9 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING "THE PARTIES"**

10. With respect to the allegations contained in Paragraph 10 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
11. With respect to the allegations contained in Paragraph 11 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
12. With respect to the allegations contained in Paragraph 12 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
13. With respect to the allegations contained in Paragraph 13 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
14. With respect to the allegations contained in Paragraph 14 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
15. With respect to the allegations contained in Paragraph 15 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
16. With respect to the allegations contained in Paragraph 16 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

17. With respect to the allegations contained in Paragraph 17 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
18. With respect to the allegations contained in Paragraph 18 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
19. With respect to the allegations contained in Paragraph 19 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
20. With respect to the allegations contained in Paragraph 20 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
21. With respect to the allegations contained in Paragraph 21 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
22. With respect to the allegations contained in Paragraph 22 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
23. With respect to the allegations contained in Paragraph 23 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
24. With respect to the allegations contained in Paragraph 24 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
25. With respect to the allegations contained in Paragraph 25 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.

26. With respect to the allegations contained in Paragraph 26 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
27. With respect to the allegations contained in Paragraph 27 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
28. With respect to the allegations contained in Paragraph 28 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
29. With respect to the allegations contained in Paragraph 29 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
30. With respect to the allegations contained in Paragraph 30 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
31. With respect to the allegations contained in Paragraph 31 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
32. With respect to the allegations contained in Paragraph 32 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
33. With respect to the allegations contained in Paragraph 33 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
34. With respect to the allegations contained in Paragraph 34 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

35. With respect to the allegations contained in Paragraph 35 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
36. With respect to the allegations contained in Paragraph 36 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
37. With respect to the allegations contained in Paragraph 37 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
38. With respect to the allegations contained in Paragraph 38 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
39. With respect to the allegations contained in Paragraph 39 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
40. With respect to the allegations contained in Paragraph 40 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
41. With respect to the allegations contained in Paragraph 41 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
42. With respect to the allegations contained in Paragraph 42 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
43. With respect to the allegations contained in Paragraph 43 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
44. With respect to the allegations contained in Paragraph 44 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
45. With respect to the allegations contained in Paragraph 37 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

46. With respect to the allegations contained in Paragraph 37 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
47. With respect to the allegations contained in Paragraph 37 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
48. With respect to the allegations contained in Paragraph 48 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
49. With respect to the allegations contained in Paragraph 49 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
50. With respect to the allegations contained in Paragraph 50 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
51. With respect to the allegations contained in Paragraph 51 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING "COLLECTIVE ACTION"**

52. With respect to the allegations contained in Paragraph 52 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
53. With respect to the allegations contained in Paragraph 53 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required and With respect to the allegations contained in Paragraph 53 of the Complaint, the Defendants deny having

knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

54. With respect to the allegations contained in Paragraph 54 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

55. With respect to the allegations contained in Paragraph 55 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING "COLLECTIVE ACTION"**

56. With respect to the allegations contained in Paragraph 56 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

57. With respect to the allegations contained in Paragraph 57 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

58. With respect to the allegations contained in Paragraph 58 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

59. With respect to the allegations contained in Paragraph 59 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

60. With respect to the allegations contained in Paragraph 58 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

- a) With respect to the allegations contained in Paragraph 60a of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - b) With respect to the allegations contained in Paragraph 60b of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - c) With respect to the allegations contained in Paragraph 60c of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - d) With respect to the allegations contained in Paragraph 60d of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - e) With respect to the allegations contained in Paragraph 60e of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
61. With respect to the allegations contained in Paragraph 61 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
62. With respect to the allegations contained in Paragraph 62 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
63. With respect to the allegations contained in Paragraph 63 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

64. With respect to the allegations contained in Paragraph 64 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required and With respect to the allegations contained in Paragraph 64 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
65. With respect to the allegations contained in Paragraph 65 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
66. With respect to the allegations contained in Paragraph 65 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
67. With respect to the allegations contained in Paragraph 67 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
68. With respect to the allegations contained in Paragraph 68 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
69. With respect to the allegations contained in Paragraph 69 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
70. With respect to the allegations contained in Paragraph 70 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

71. With respect to the allegations contained in Paragraph 71 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
72. With respect to the allegations contained in Paragraph 72 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
73. With respect to the allegations contained in Paragraph 73 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
74. With respect to the allegations contained in Paragraph 74 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
75. With respect to the allegations contained in Paragraph 75 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
76. With respect to the allegations contained in Paragraph 76 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
77. With respect to the allegations contained in Paragraph 77 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
78. With respect to the allegations contained in Paragraph 78 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

79. With respect to the allegations contained in Paragraph 79 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
80. With respect to the allegations contained in Paragraph 80 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
81. With respect to the allegations contained in Paragraph 81 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
82. With respect to the allegations contained in Paragraph 82 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
83. With respect to the allegations contained in Paragraph 83 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
84. With respect to the allegations contained in Paragraph 84 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
85. With respect to the allegations contained in Paragraph 85 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
86. With respect to the allegations contained in Paragraph 86 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

87. With respect to the allegations contained in Paragraph 87 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
88. With respect to the allegations contained in Paragraph 88 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING "WILLFULNESS ALLEGATIONS"**

89. With respect to the allegations contained in Paragraph 89 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
90. With respect to the allegations contained in Paragraph 90 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

**AS AND FOR AN ANSWER TO PLAINTIFF'S
ALLEGATIONS REGARDING "FACTUAL ALLEGATIONS"**

91. With respect to the allegations contained in Paragraph 91 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
92. With respect to the allegations contained in Paragraph 92 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
93. With respect to the allegations contained in Paragraph 93 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
94. With respect to the allegations contained in Paragraph 94 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

95. With respect to the allegations contained in Paragraph 95 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
96. With respect to the allegations contained in Paragraph 96 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
97. With respect to the allegations contained in Paragraph 97 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
98. With respect to the allegations contained in Paragraph 98 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
99. With respect to the allegations contained in Paragraph 99 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
100. With respect to the allegations contained in Paragraph 100 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
101. With respect to the allegations contained in Paragraph 101 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
102. With respect to the allegations contained in Paragraph 102 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
103. With respect to the allegations contained in Paragraph 103 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
104. With respect to the allegations contained in Paragraph 104 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

105. With respect to the allegations contained in Paragraph 105 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
106. With respect to the allegations contained in Paragraph 106 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
- a) With respect to the allegations contained in Paragraph 106a of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - b) With respect to the allegations contained in Paragraph 106b of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - c) With respect to the allegations contained in Paragraph 106c of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - d) With respect to the allegations contained in Paragraph 106d of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - e) With respect to the allegations contained in Paragraph 106e of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
107. With respect to the allegations contained in Paragraph 107 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

108. With respect to the allegations contained in Paragraph 108 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
109. With respect to the allegations contained in Paragraph 109 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
- a) With respect to the allegations contained in Paragraph 109a of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - b) With respect to the allegations contained in Paragraph 109b of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - c) With respect to the allegations contained in Paragraph 109c of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
 - d) With respect to the allegations contained in Paragraph 109d of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
110. With respect to the allegations contained in Paragraph 110 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
111. With respect to the allegations contained in Paragraph 111 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

112. With respect to the allegations contained in Paragraph 112 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
113. With respect to the allegations contained in Paragraph 113 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
114. With respect to the allegations contained in Paragraph 114 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
115. With respect to the allegations contained in Paragraph 115 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
116. With respect to the allegations contained in Paragraph 116 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
117. With respect to the allegations contained in Paragraph 117 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
118. With respect to the allegations contained in Paragraph 118 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
119. With respect to the allegations contained in Paragraph 119 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

120. With respect to the allegations contained in Paragraph 120 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
121. With respect to the allegations contained in Paragraph 121 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
122. With respect to the allegations contained in Paragraph 122 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
123. With respect to the allegations contained in Paragraph 123 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
124. With respect to the allegations contained in Paragraph 124 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
125. With respect to the allegations contained in Paragraph 125 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
126. With respect to the allegations contained in Paragraph 126 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
127. With respect to the allegations contained in Paragraph 127 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

128. With respect to the allegations contained in Paragraph 128 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
129. With respect to the allegations contained in Paragraph 129 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
130. With respect to the allegations contained in Paragraph 130 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
131. With respect to the allegations contained in Paragraph 131 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
132. With respect to the allegations contained in Paragraph 132 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
133. With respect to the allegations contained in Paragraph 133 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
134. With respect to the allegations contained in Paragraph 134 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
135. With respect to the allegations contained in Paragraph 135 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

136. With respect to the allegations contained in Paragraph 136 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
137. With respect to the allegations contained in Paragraph 137 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
138. With respect to the allegations contained in Paragraph 138 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
139. With respect to the allegations contained in Paragraph 139 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
140. With respect to the allegations contained in Paragraph 140 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
141. With respect to the allegations contained in Paragraph 141 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
142. With respect to the allegations contained in Paragraph 142 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
143. With respect to the allegations contained in Paragraph 143 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

144. With respect to the allegations contained in Paragraph 144 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
145. With respect to the allegations contained in Paragraph 145 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
146. With respect to the allegations contained in Paragraph 146 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
147. With respect to the allegations contained in Paragraph 147 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
148. With respect to the allegations contained in Paragraph 148 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
149. With respect to the allegations contained in Paragraph 149 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
150. With respect to the allegations contained in Paragraph 150 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
151. With respect to the allegations contained in Paragraph 151 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

152. With respect to the allegations contained in Paragraph 152 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
153. With respect to the allegations contained in Paragraph 153 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
154. With respect to the allegations contained in Paragraph 154 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
155. With respect to the allegations contained in Paragraph 155 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
156. With respect to the allegations contained in Paragraph 156 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
157. With respect to the allegations contained in Paragraph 157 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
158. With respect to the allegations contained in Paragraph 158 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
159. With respect to the allegations contained in Paragraph 159 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

160. With respect to the allegations contained in Paragraph 160 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
161. With respect to the allegations contained in Paragraph 161 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
162. With respect to the allegations contained in Paragraph 162 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
163. With respect to the allegations contained in Paragraph 163 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
164. With respect to the allegations contained in Paragraph 164 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
165. With respect to the allegations contained in Paragraph 165 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
166. With respect to the allegations contained in Paragraph 166 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
167. With respect to the allegations contained in Paragraph 167 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

168. With respect to the allegations contained in Paragraph 168 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
169. With respect to the allegations contained in Paragraph 169 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
170. With respect to the allegations contained in Paragraph 170 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
171. With respect to the allegations contained in Paragraph 171 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
172. With respect to the allegations contained in Paragraph 172 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
173. With respect to the allegations contained in Paragraph 173 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
174. With respect to the allegations contained in Paragraph 174 of the Complaint, the Defendants admit all of the allegations contained in such Paragraph.
175. With respect to the allegations contained in Paragraph 175 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

176. With respect to the allegations contained in Paragraph 176 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
177. With respect to the allegations contained in Paragraph 177 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
178. With respect to the allegations contained in Paragraph 178 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
179. With respect to the allegations contained in Paragraph 179 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
180. With respect to the allegations contained in Paragraph 180 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
181. With respect to the allegations contained in Paragraph 181 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
182. With respect to the allegations contained in Paragraph 182 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
183. With respect to the allegations contained in Paragraph 183 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

184. With respect to the allegations contained in Paragraph 184 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
185. With respect to the allegations contained in Paragraph 185 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
186. With respect to the allegations contained in Paragraph 186 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
187. With respect to the allegations contained in Paragraph 187 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
188. With respect to the allegations contained in Paragraph 188 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
189. With respect to the allegations contained in Paragraph 189 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
190. With respect to the allegations contained in Paragraph 190 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
191. With respect to the allegations contained in Paragraph 191 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

192. With respect to the allegations contained in Paragraph 192 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
193. With respect to the allegations contained in Paragraph 193 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
194. With respect to the allegations contained in Paragraph 194 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
195. With respect to the allegations contained in Paragraph 195 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
196. With respect to the allegations contained in Paragraph 196 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
197. With respect to the allegations contained in Paragraph 197 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
198. With respect to the allegations contained in Paragraph 198 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
199. With respect to the allegations contained in Paragraph 199 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

200. With respect to the allegations contained in Paragraph 200 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
201. With respect to the allegations contained in Paragraph 201 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
202. With respect to the allegations contained in Paragraph 202 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
203. With respect to the allegations contained in Paragraph 203 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
204. With respect to the allegations contained in Paragraph 204 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
205. With respect to the allegations contained in Paragraph 205 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO
PLAINTIFF'S "FIRST CLAIM FOR RELIEF"
(Overtime Violation)

206. The Defendants repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effects as though fully set forth herein.
207. With respect to the allegations contained in Paragraph 207 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
208. With respect to the allegations contained in Paragraph 208 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
209. With respect to the allegations contained in Paragraph 209 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
210. With respect to the allegations contained in Paragraph 210 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
211. With respect to the allegations contained in Paragraph 211 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
212. With respect to the allegations contained in Paragraph 212 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

213. With respect to the allegations contained in Paragraph 213 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
214. With respect to the allegations contained in Paragraph 214 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
215. With respect to the allegations contained in Paragraph 215 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
216. With respect to the allegations contained in Paragraph 216 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
217. With respect to the allegations contained in Paragraph 217 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
218. With respect to the allegations contained in Paragraph 218 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
219. With respect to the allegations contained in Paragraph 219 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO
PLAINTIFF'S "SECOND CLAIM FOR RELIEF"
(Unpaid Overtime Violation)

220. The Defendants repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effects as though fully set forth herein.
221. With respect to the allegations contained in Paragraph 221 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

222. With respect to the allegations contained in Paragraph 222 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
223. With respect to the allegations contained in Paragraph 223 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
224. With respect to the allegations contained in Paragraph 224 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
225. With respect to the allegations contained in Paragraph 225 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
226. With respect to the allegations contained in Paragraph 226 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
227. With respect to the allegations contained in Paragraph 227 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
228. With respect to the allegations contained in Paragraph 228 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
229. With respect to the allegations contained in Paragraph 229 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
230. With respect to the allegations contained in Paragraph 230 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO
PLAINTIFF'S "THIRD CLAIM FOR RELIEF"
(Unpaid Straight Violation)

231. The Defendants repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effects as though fully set forth herein.
232. With respect to the allegations contained in Paragraph 232 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
233. With respect to the allegations contained in Paragraph 233 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
234. With respect to the allegations contained in Paragraph 234 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
235. With respect to the allegations contained in Paragraph 235 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
236. With respect to the allegations contained in Paragraph 236 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
237. With respect to the allegations contained in Paragraph 237 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
238. With respect to the allegations contained in Paragraph 238 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

AS AND FOR AN ANSWER TO
PLAINTIFF'S "FOURTH CLAIM FOR RELIEF"
(Spread of Hours)

239. The Defendants repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effects as though fully set forth herein.
240. With respect to the allegations contained in Paragraph 240 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
241. With respect to the allegations contained in Paragraph 241 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
242. With respect to the allegations contained in Paragraph 242 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
243. With respect to the allegations contained in Paragraph 243 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
244. With respect to the allegations contained in Paragraph 244 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO
PLAINTIFF'S "FIFTH CLAIM FOR RELIEF"
(Spread of Hours)

245. The Defendants repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effects as though fully set forth herein.

246. With respect to the allegations contained in Paragraph 246 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

247. With respect to the allegations contained in Paragraph 247 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

AS AND FOR AN ANSWER TO
PLAINTIFF'S "SIXTH CLAIM FOR RELIEF"
(Wage Notice Claim)

248. The Defendants repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effects as though fully set forth herein.

249. With respect to the allegations contained in Paragraph 249 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.

250. With respect to the allegations contained in Paragraph 250 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.

AS AND FOR AN ANSWER TO
PLAINTIFF'S "SEVENTH CLAIM FOR RELIEF"
(Delay Wages Claim)

251. The Defendants repeats and reasserts each and every one of the responses contained in the preceding paragraphs hereof with the same force and effects as though fully set forth herein.
252. With respect to the allegations contained in Paragraph 252 of the Complaint, the Defendants state that such allegations consist of statements and/or conclusions of law and/or statements calling for a legal conclusion, to which no responsive pleading is required.
253. With respect to the allegations contained in Paragraph 253 of the Complaint, the Defendants deny having knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in such Paragraph.
254. With respect to the allegations contained in Paragraph 254 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
255. With respect to the allegations contained in Paragraph 255 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.
256. With respect to the allegations contained in Paragraph 256 of the Complaint, the Defendants deny all of the allegations contained in such Paragraph.

RESPONSE TO PLAINTIFF'S PRAYER FOR RELIEF

The Defendants, upon information and belief, deny all statements made with respect to Defendants and assert that the Plaintiff is not entitled to any of the relief from the Defendants as sought in the Plaintiff's Prayer for Relief, including subparagraphs (a) through (r) thereof.

AFFIRMATIVE AND OTHER DEFENSES

The Defendants assert the following affirmative and other defenses without assuming any burden of production or proof that they would not otherwise have. The Defendants further assert that, to the extent that the Plaintiffs' claims as alleged are vague or unclear, so as to render it difficult or impossible to identify and assert every possible affirmative or other defense, the Defendants hereby expressly reserve their rights to assert additional defenses should further proceedings in this action, including the progress of any discovery, reveal that such additional defenses would be applicable and appropriate.

AS AND FOR A FIRST DEFENSE TO THE PLAINTIFFS' COMPLAINT

The statements and allegations contained in the Plaintiffs' Complaint may fail to state any valid claim(s) upon which relief can be granted as a matter of fact and/or law, either on behalf of some or all of the Plaintiffs or on behalf of those persons whom the Plaintiffs may purport to represent.

AS AND FOR A SECOND DEFENSE TO THE PLAINTIFFS' COMPLAINT

The causes of action alleged in the Complaint may be barred, in whole or in part, by applicable statutes of limitation for Fair Labor Standards Act and/or New York Labor Law claims.

AS AND FOR A THIRD DEFENSE TO THE PLAINTIFFS' COMPLAINT

The causes of action alleged in the Complaint may not be maintained as a collective action under the Fair Labor Standards Act, 29 U.S.C. § 216, because the Plaintiffs, upon information and belief, are not similarly situated to some or all of the persons whom they purport to represent and/or the Plaintiffs may not otherwise be adequate representatives for those persons whom they purport to represent.

AS AND FOR A FOURTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

The statements and allegations contained in the Complaint fail to meet the requirements necessary to justify collective action certification or the issuance of collective action notice pursuant to 29 U.S.C. § 216 with respect to some or all of the employees alleged by the Plaintiffs to be similarly situated to them.

AS AND FOR A FIFTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

Subject to proof through discovery, some or all of the claims asserted by the Plaintiffs and/or the putative class or collective action members may be barred in whole or in part by the doctrines of unclean hands, estoppel, quasi-estoppel, equitable estoppel, laches, waiver and/or other equitable defenses.

AS AND FOR A SIXTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

Some or all of the Plaintiffs may lack standing to be, and would not be, adequate representatives of the putative collective and/or class sought.

AS AND FOR A SEVENTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

Some or all of the claims of the Plaintiffs' and/or the putative class or collective action opt-ins or members, if any, may be barred in whole or in part to the extent that the work performed by some or all of such individuals may fall within exemptions, exclusions, exceptions, or credits provided for in Sections 3, 7 and/or 13 of the Fair Labor Standards Act, 29 U.S.C. §§ 203, 207 and 213, including, but not limited to, the executive exemption, the administrative exemption, or any other exemption set forth in the Fair Labor Standards Act and related regulations, or any combination thereof, and any similar exemptions set forth in the New York Labor Law and related regulations.

AS AND FOR AN EIGHTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

The Defendants state, in the alternative if necessary, that their actions or omissions with respect to any of the Plaintiffs and/or putative class or collective action members were taken in good faith, with reasonable belief that such conduct comported with the requirements of federal and state law.

AS AND FOR A NINTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

The Plaintiffs' claims are barred or should be reduced, in whole or in part, by exclusions, exceptions, credits, recoupments or offsets permissible under the Fair Labor Standards Act, the New York Labor Law and related regulations.

AS AND FOR A TENTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

The claims alleged by Plaintiffs on behalf of putative class or collective action members are matters in which individual questions predominate and thus are not appropriate for collective or class treatment.

AS AND FOR A ELEVENTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

Plaintiffs' and/or the putative class members' claims pursuant to New York Labor Law § 195 for alleged failure to provide required wage notices and/or wage statements are barred because the Defendants made complete and timely payment of all wages due under the applicable provisions of the New York Labor Law.

AS AND FOR A TWELVTH DEFENSE TO THE PLAINTIFFS' COMPLAINT

In the event that the Court certifies a class or collective action in this matter, to the extent necessary the Defendants incorporate by reference and reallege all of their defenses to Plaintiffs' individual claims in response to the claims of each class or collective action member.

RESERVATION OF RIGHTS TO ASSERT ADDITIONAL DEFENSES

The Defendants state that they currently have insufficient knowledge or information on which to form a belief as to whether they may have additional, as yet unstated, defenses available. As such, the Defendants expressly reserve the right to assert additional defenses, and to seek to amend this Answer to include any such additional defenses, in the event that discovery indicates that any such additional defenses would be appropriate.

WHEREFORE, the Defendants respectfully request that judgment be entered by this Court dismissing any claims in the Plaintiff's Complaint that may be lacking in merit, with prejudice, and granting such further relief as may be just and proper.

Dated: Long Island City, New York
July 13, 2021

STE PHEN D. HANS & ASSOCIATES, P.C.

By: /s/Stephen D. Hans
Stephen D. Hans (SH-0798)
30-30 Northern Boulevard, Suite 401
Long Island City, New York 11101
Tel: 718.275.6700
Attorneys for the Defendants